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March 31, 2020

**VIA ECF**

**MEMO ENDORSED**

Hon. Edgardo Ramos, U.S.D.J.  
U.S. District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States ex rel. Wood v. Avalign Technologies, Inc. et al.*, No. 14 Civ. 4958

Dear Judge Ramos:

On behalf of Plaintiff-Relator, and jointly with all Defendants, we write to respectfully request a modification to the currently-operative agreed-upon briefing schedule.

The original date for Defendants to answer the First Amended Complaint (“FAC”) was March 24, 2020, which was a stipulated date based on an agreement by the Defendants to accept service. (Dkt. no 45.) The parties jointly sought one previous adjournment of that date to today, March 31, 2020, which was granted. (Dkt. no. 63.) We again make this request with consent of the parties.

The reason for the instant request is that Relator has informed Defendants that she is considering filing an amended complaint, and Defendants have agreed to allow Relator to file her Second Amended Complaint (“SAC”) on or before April 30, 2020. Because such a filing would obviate the need for any motion practice with respect to the FAC, the parties jointly request that the Court vacate the current briefing schedule and replace it with the following:

- Deadline for Plaintiff to file SAC: April 30, 2020.
- If Plaintiff files her SAC on or before April 30, 2020, Defendants’ motion to dismiss the SAC would be due May 29, 2020; Plaintiff’s opposition would be due June 29, 2020; and Defendants’ reply would be due July 20, 2020.
- If Plaintiff does not file an SAC on or before April 30, 2020, then Defendants’ motion to dismiss the FAC would be due May 8, 2020.

We recognize that the Court is likely facing significant coronavirus-related disruptions and therefore may not be able to act on this consent motion before Defendants otherwise would be required to file their motion to dismiss later today. In the event the Court does not act on this letter motion before the close of business, Plaintiff-Relator has agreed that

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she will not seek entry of a default judgment or otherwise request that the Court take any other adverse action in response to Defendants' failure to file their motion to dismiss under the prior scheduling order. And, in the event this consent motion is denied, Defendants agree to file their motion to dismiss within one business day of the date the Court acts on this consent motion (or on any other timetable the Court so orders).

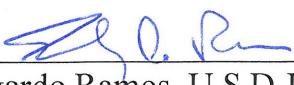
Thank you for Your Honor's consideration of this joint request.

Sincerely,

*/s/ Adam Pollock*

Adam Pollock

The application is X granted  
\_\_\_\_\_ denied

  
Edgardo Ramos, U.S.D.J  
Dated: April 1, 2020  
New York, New York

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